

House File 121

HOUSE FILE _____
BY CHAMBERS, MERTZ, HUSEMAN,
and ALONS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles in
2 cities of a certain size, providing a fee, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1478YH 82
6 dea/cf/24

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1 1 Section 1. Section 321.20B, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. This section does not apply to a snowmobile or
1 4 all-terrain vehicle, except an all-terrain vehicle operated as
1 5 provided in section 321.234A, subsection 2, or to a motor
1 6 vehicle identified in section 321.18, subsections 1 through 6,
1 7 and subsection 8.
1 8 Sec. 2. Section 321.109, subsection 1, paragraph a, Code
1 9 2007, is amended to read as follows:
1 10 a. The annual fee for all motor vehicles including
1 11 vehicles designated by manufacturers as station wagons, and
1 12 1993 and subsequent model years for multipurpose vehicles,
1 13 except motor trucks, motor homes, ambulances, hearses,
1 14 motorcycles, motorized bicycles, all-terrain vehicles, and
1 15 1992 and older model years for multipurpose vehicles, shall be
1 16 equal to one percent of the value as fixed by the department
1 17 plus forty cents for each one hundred pounds or fraction
1 18 thereof of weight of vehicle, as fixed by the department. The
1 19 weight of a motor vehicle, fixed by the department for
1 20 registration purposes, shall include the weight of a battery,
1 21 heater, bumpers, spare tire, and wheel. Provided, however,
1 22 that for any new vehicle purchased in this state by a
1 23 nonresident for removal to the nonresident's state of
1 24 residence the purchaser may make application to the county
1 25 treasurer in the county of purchase for a transit plate for
1 26 which a fee of ten dollars shall be paid. And provided,
1 27 however, that for any used vehicle held by a registered dealer
1 28 and not currently registered in this state, or for any vehicle
1 29 held by an individual and currently registered in this state,
1 30 when purchased in this state by a nonresident for removal to
1 31 the nonresident's state of residence, the purchaser may make
1 32 application to the county treasurer in the county of purchase
1 33 for a transit plate for which a fee of three dollars shall be
1 34 paid. The county treasurer shall issue a nontransferable
1 35 certificate of registration for which no refund shall be
2 1 allowed; and the transit plates shall be void thirty days
2 2 after issuance. Such purchaser may apply for a certificate of
2 3 title by surrendering the manufacturer's or importer's
2 4 certificate or certificate of title, duly assigned as provided
2 5 in this chapter. In this event, the treasurer in the county
2 6 of purchase shall, when satisfied with the genuineness and
2 7 regularity of the application, and upon payment of a fee of
2 8 ten dollars, issue a certificate of title in the name and
2 9 address of the nonresident purchaser delivering the title to
2 10 the owner. If there is a security interest noted on the
2 11 title, the county treasurer shall mail to the secured party an
2 12 acknowledgment of the notation of the security interest. The
2 13 county treasurer shall not release a security interest that
2 14 has been noted on a title issued to a nonresident purchaser as
2 15 provided in this paragraph. The application requirements of
2 16 section 321.20 apply to a title issued as provided in this
2 17 subsection, except that a natural person who applies for a
2 18 certificate of title shall provide either the person's social
2 19 security number, passport number, or driver's license number,

2 20 whether the license was issued by this state, another state,
2 21 or another country. The provisions of this subsection
2 22 relating to multipurpose vehicles are effective January 1,
2 23 1993, for all 1993 and subsequent model years. The annual
2 24 registration fee for multipurpose vehicles that are 1992 model
2 25 years and older shall be in accordance with section 321.124.

2 26 Sec. 3. Section 321.117, Code 2007, is amended to read as
2 27 follows:

2 28 321.117 MOTORCYCLE, ALL-TERRAIN VEHICLE, AMBULANCE, AND
2 29 HEARSE FEES.

2 30 For all motorcycles the annual registration fee shall be is
2 31 twenty dollars. For all motorized bicycles the annual
2 32 registration fee shall be is seven dollars. When the a
2 33 motorcycle is more than five model years old, the annual
2 34 registration fee shall be is ten dollars. The annual
2 35 registration fee for all-terrain vehicles operated under

3 1 section 321.234A, subsection 2, is twenty dollars. The annual
3 2 registration fee for ambulances and hearses shall be is fifty
3 3 dollars. Passenger car plates shall be issued for ambulances
3 4 and hearses.

3 5 Sec. 4. Section 321.166, subsection 1, unnumbered
3 6 paragraph 1, Code 2007, is amended to read as follows:

3 7 Registration plates shall be of metal and of a size not to
3 8 exceed six inches by twelve inches, except that the size of
3 9 plates issued for use on all-terrain vehicles operated under
3 10 section 321.234A, subsection 2, motorized bicycles,

3 11 motorcycles, motorcycle trailers, and trailers with an empty
3 12 weight of two thousand pounds or less shall be established by
3 13 the department.

3 14 Sec. 5. Section 321.166, subsections 3 and 4, Code 2007,
3 15 are amended to read as follows:

3 16 3. The registration plate number shall be displayed in
3 17 characters which shall not exceed a height of four inches nor
3 18 a stroke width exceeding five-eighths of an inch. Special
3 19 plates issued to dealers shall display the alphabetical
3 20 character "D", which shall be of the same size as the
3 21 characters in the registration plate. The registration plate
3 22 number issued for all-terrain vehicles operated under section
3 23 321.234A, subsection 2, motorized bicycles, motorcycles,

3 24 trailers with an empty weight of two thousand pounds or less,
3 25 and motorcycle trailers shall be a size prescribed by the
3 26 department.

3 27 4. The registration plate number, except on all-terrain
3 28 vehicles operated under section 321.234A, subsection 2,

3 29 motorized bicycle bicycles, motorcycle motorcycles, motorcycle
3 30 trailer trailers, and trailers with an empty weight of two
3 31 thousand pounds or less shall be of sufficient size to be
3 32 readable from a distance of one hundred feet during daylight.

3 33 Sec. 6. Section 321.234A, Code 2007, is amended to read as
3 34 follows:

3 35 321.234A ALL-TERRAIN VEHICLES == HIGHWAY USE == OPERATION
4 1 IN CITIES.

4 2 1. All-terrain vehicles Except as provided in subsection
4 3 2, an all-terrain vehicle shall not be operated on a highway
4 4 unless one or more of the following conditions apply:

4 5 a. The operation is between sunrise and sunset and is
4 6 incidental to the vehicle's use for agricultural purposes.

4 7 b. The operation is incidental to the vehicle's use for
4 8 the purpose of surveying by a licensed engineer or land
4 9 surveyor.

4 10 c. The all-terrain vehicle is operated by an employee or
4 11 agent of a political subdivision or public utility for the
4 12 purpose of construction or maintenance on or adjacent to the
4 13 highway.

4 14 d. The all-terrain vehicle is operated by an employee or
4 15 agent of a public agency as defined in section 34.1 for the
4 16 purpose of providing emergency services or rescue.

4 17 e. The all-terrain vehicle is operated for the purpose of
4 18 mowing, installing approved trail signs, or providing
4 19 maintenance on a snowmobile trail or all-terrain vehicle trail
4 20 designated by the department of natural resources.

4 21 2. a. An all-terrain vehicle may be operated on a highway
4 22 within a city with a population of six thousand or less that
4 23 has authorized such operation pursuant to section 321.246,
4 24 provided all of the following conditions are met:

4 25 (1) The all-terrain vehicle is registered as a motor
4 26 vehicle under chapter 321 and bears the license plates
4 27 required under section 321.166.

4 28 (2) The operator of the all-terrain vehicle is at least
4 29 eighteen years of age and possesses a valid driver's license.

4 30 (3) The operator of the all-terrain vehicle is covered by

4 31 an owner's policy of liability insurance or other financial
4 32 liability coverage, as defined in section 321.1, in effect for
4 33 the all-terrain vehicle being operated.

4 34 (4) The all-terrain vehicle is equipped with rear lamps
4 35 and brake lights as described in sections 321.387 and 321.404,
5 1 and if operating during the times specified in section
5 2 321.384, with two headlamps as described in section 321.385.

5 3 b. The motor vehicle laws and penalties applicable to
5 4 operators of motor vehicles pursuant to this chapter apply to
5 5 a person operating, on a public highway, an all-terrain
5 6 vehicle registered as a motor vehicle, to the extent
5 7 practicably applicable. A violation of a provision of this
5 8 subsection not otherwise punishable under this chapter is
5 9 punishable as a scheduled violation as provided in subsection
5 10 5.

5 11 c. Registration and operation of an all-terrain vehicle
5 12 under this subsection does not constitute an exemption from
5 13 the provisions of chapter 321I.

5 14 ~~2.~~ 3. A person operating an all-terrain vehicle on a
5 15 highway shall have a valid driver's license and the vehicle
5 16 shall be operated at speeds of thirty-five miles per hour or
5 17 less.

5 18 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner
5 19 of land adjacent to a highway, other than an interstate road,
5 20 may be operated by the owner of the all-terrain vehicle, or by
5 21 a member of the owner's family, on the portion of the highway
5 22 right-of-way that is between the shoulder of the roadway, or
5 23 at least five feet from the edge of the roadway, and the
5 24 owner's property line.

5 25 ~~4.~~ 5. A person convicted of a violation of this section
5 26 is guilty of a simple misdemeanor punishable as a scheduled
5 27 violation under section 805.8A, subsection 3, paragraph "f".

5 28 Sec. 7. NEW SECTION. 321.246 ALL-TERRAIN VEHICLE
5 29 OPERATION IN CITIES.

5 30 A city with a population of six thousand or less may
5 31 authorize and regulate the operation of all-terrain vehicles
5 32 on streets and highways within the corporate limits of the
5 33 city, subject to the provisions of section 321.234A,
5 34 subsection 2.

5 35 Sec. 8. Section 321I.9, unnumbered paragraph 1, Code 2007,
6 1 is amended to read as follows:

6 2 Registration under this chapter shall not be required for
6 3 the following described all-terrain vehicles:

6 4 EXPLANATION

6 5 This bill modifies the prohibition on operation of all-
6 6 terrain vehicles on public highways by allowing a city with a
6 7 population of 6,000 or less to authorize and regulate the
6 8 operation of all-terrain vehicles within its corporate limits.
6 9 The person operating an all-terrain vehicle in such a city
6 10 must be at least 18 years of age and licensed as a motor
6 11 vehicle driver. The operator must be covered by liability
6 12 insurance or other financial liability coverage in effect for
6 13 the vehicle being operated.

6 14 The all-terrain vehicle must be equipped with rear lamps
6 15 and brake lights, and with two headlamps if conditions
6 16 warrant. The vehicle is required to be registered as a motor
6 17 vehicle under Code chapter 321. The all-terrain vehicle must
6 18 display registration plates of a size and design to be
6 19 established by the state department of transportation. The
6 20 annual fee for registration of an all-terrain vehicle as a
6 21 motor vehicle is \$20.

6 22 A person operating an all-terrain vehicle registered as a
6 23 motor vehicle on city streets would be subject to the same
6 24 laws and penalties, including scheduled fines, that apply to
6 25 drivers of other motor vehicles, to the extent practicably
6 26 applicable. A violation of a provision of law uniquely
6 27 applicable to an all-terrain vehicle being operated as a motor
6 28 vehicle, not otherwise punishable as a motor vehicle offense,
6 29 would be a simple misdemeanor punishable by a scheduled fine
6 30 of \$50.

6 31 Registration of an all-terrain vehicle for the purpose of
6 32 operating it on city streets would not exempt the owner from
6 33 the registration and regulation requirements administered by
6 34 the department of natural resources.

6 35 LSB 1478YH 82

7 1 dea:nh/cf/24.1